

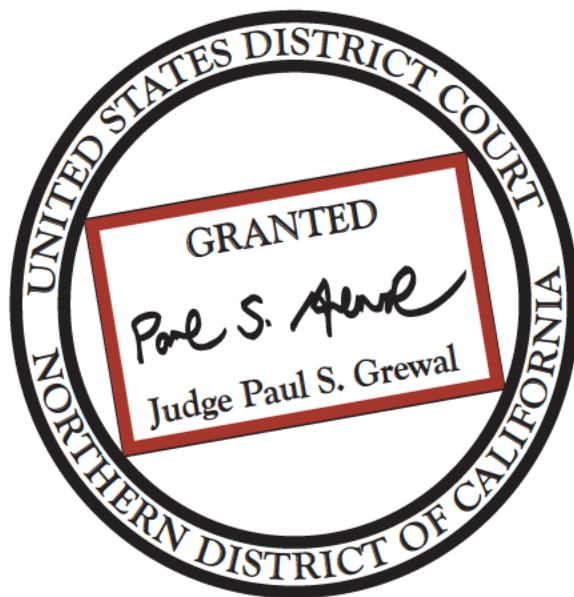
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*Interim Co-Lead Class Counsel*



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE ANIMATION WORKERS ANTITRUST  
LITIGATION

Master Docket No. 14-CV-4062-LHK  
STIPULATION AND ~~[PROPOSED]~~  
ORDER REGARDING EXPERT  
DISCOVERY

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

1           The parties through their respective counsel of record stipulate to the following regarding the  
2 scope of expert discovery and testimony in this matter.

3           1.       No party or their experts are obligated to preserve or produce budgets, invoices, bills,  
4 receipts or time records concerning testifying or non-testifying expert witnesses or consultants, their  
5 staff, assistants, colleagues, or associates, or their companies or organizations. However, this  
6 Stipulation and Order shall not be construed to preclude reasonable questions at an expert's  
7 deposition regarding an expert's hourly rate and that of the expert's staff, the amount of time an  
8 expert or that expert's staff has spent on the expert's report and associated work and the amount of  
9 money billed for the report and associated work.  
10

11           2.       For the purposes of expert discovery in this matter, the term "considered" as used in  
12 Federal Rules of Civil Procedure 26(a)(2)(B)(ii) and 26(b)(4)(C)(ii) shall be interpreted as "relied  
13 upon." Material considered by a testifying expert, but not relied upon, need not be disclosed.  
14

15           3.       Data, statistical analyses, or other information (including any calculation or exhibit)  
16 upon which an expert relies for any of his or her opinion(s) in this matter shall be provided in  
17 electronic or machine readable format, including any data relied upon by the expert that has been  
18 cleaned, reformatted, or modified in any way from the form in which it may have been provided to  
19 the expert. The parties also shall produce any work product (including but not limited to, analyses,  
20 spreadsheets, graphs, and charts) relied upon by any testifying expert that is based on the output from  
21 any computer programs that are produced. All documents, data, and other information relied upon  
22 shall be provided in a format as agreed to by the parties, along with any software and instructions  
23 required to read them, but no party need produce computer software that is reasonably and  
24 commercially available (e.g., Microsoft Word, Excel). If data relied upon by an expert witness is  
25 derived from electronic data produced by any party or third party to this litigation, the party shall  
26 produce (a) the original unmodified data set relied upon by the expert (if not previously produced);  
27  
28

1 (b) the adjusted data set, reflecting any modifications, clean up or other changes to the original data  
2 set made by the expert; and (c) any code used to perform any such modification, clean up or other  
3 change.

4 4. All electronic data, together with programs and instructions, shall be made available  
5 within three (3) days of the disclosure of the expert witness's report to all parties. Copies of the  
6 electronic data together with any programs and instructions, and all other materials required to be  
7 produced, shall be delivered by hand, overnight express, or electronic means (e.g., FTP) to counsel  
8 designated by each party.  
9

10 5. The following categories of documents or electronically stored information ("ESI")  
11 need not be preserved or disclosed by any party or their experts and are outside the scope of  
12 permissible discovery (including deposition questions):  
13

- 14 a. Intermediate drafts of reports, studies, or work papers (including intermediate  
15 calculations, computations or data runs) and other intermediate draft materials  
16 prepared by, for, or at the direction of an expert witness or a non-testifying expert  
17 or consultant unless the testifying expert witness has relied upon those drafts in  
18 connection with the expert witness' opinions in this matter;  
19  
20 b. Any oral, written or other communication between or among expert witnesses,  
21 non-testifying experts or consultants, their staff, assistants, colleagues or  
22 associates, or one or more attorneys (or their staff) for the party or parties offering  
23 the testimony of the expert witness, unless the testifying expert witness is relying  
24 upon such communications in connection with the expert witness' opinions in this  
25 matter; and  
26  
27 c. Any notes, ESI or other writings taken or prepared by or for a testifying expert  
28 witness or non-testifying expert or consultant in connection with this matter,

including without limitation correspondence, e-mails or memoranda to or from, and notes of conversations with, the expert's staff, assistants, colleagues or associates, one or more other expert witnesses or non-testifying expert consultants, or one or more attorneys for the party or parties offering the testimony of the expert witness, unless the testifying expert witness is relying upon such notes, ESI or other writings in connection with the expert witness' opinions in this matter.

6. Nothing in this stipulation shall permit a party or a testifying expert to withhold any proposition, fact, belief or other data, information or material on which the expert relies in support of her or his opinion in this matter.

7. Neither the terms of this Stipulation and Order nor the parties' agreement to them implies that any of the information restricted from discovery through the Stipulation and Order would otherwise be discoverable.

8. Any party may move the Court to modify this Stipulation and Order upon good cause shown.

9. The parties agree to comply with this Stipulation and Order pending the Court's approval.

IT IS HEREBY STIPULATED

DATED: January 27, 2015

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1 DATED: January 27, 2015

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17 DATED: January 27, 2015

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*Counsel for Defendant Blue Sky Studios, Inc.*

**SIGNATURE ATTESTATION**

Pursuant to Civil Local Rule 5-1(i)(3), the filer attests that concurrence in the filing of this document has been obtained from each of the signatories.

DATED: January 27, 2015

/s/ Steven G. Sklaver



**PROOF OF SERVICE**

I, the undersigned, declare:

I am employed in the County of King, State of Washington. I am over the age of 18 and not a party to the within action; my business address is 1201 Third Avenue, Suite 3800, Seattle, Washington, 98101.

On January 27, 2015, I served the foregoing document(s) described as follows:

**STIPULATION AND [PROPOSED] ORDER REGARDING EXPERT DISCOVERY**

on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as stated on the attached service list, as follows:

**See attached Service List**

**BY MAIL:**

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Seattle Washington in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

**BY PERSONAL SERVICE:**

I caused to be delivered such envelope by hand to the offices of the addressee.

**BY FEDERAL EXPRESS OR OVERNIGHT COURIER**

**BY FAX**

I served by facsimile as indicated on the attached service list.

**XX BY ELECTRONIC MAIL**

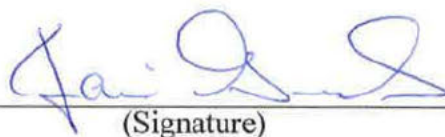
I caused said documents to be prepared in portable document format (PDF) for e-mailing and served by electronic mail as indicated on the attached service list.

Executed on January 27, 2015, at Seattle, Washington

X (Federal) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Jami Grounds

(Type or Print Name)

  
(Signature)



**SERVICE LIST**

*In re High-Tech Employee Antitrust Litigation*, No. 11-cv-2509  
All parties in *In re High-Tech*, served via ECF

Defendants in the *Cano v. Pixar, et al.*, Case No. 14-cv-04203 served via U.S. Mail

PIXAR 1200 Park Avenue Emeryville, California 94608	DREAMWORKS ANIMATION SKG, INC. 1000 Flower Street Glendale, CA 91201
LUCASFILM LTD 1110 Gorgas Avenue San Francisco, California 94129	THE WALT DISNEY COMPANY 500 South Buena Vista Street Burbank, California 91505
DIGITAL DOMAIN 3.0, INC. 300 Rose Avenue Venice, CA 90291	IMAGEMOVERS, LLC 1880 Century Park East, Suite 1600 Los Angeles, CA 90067
IMAGEMOVERS DIGITAL P.O. Box 10428 San Rafael, California 94912	SONY PICTURES ANIMATION, INC. 10202 W. Washington Blvd. Culver City, CA 90232
SONY PICTURES IMAGEWORKS, INC. 10202 W. Washington Blvd. Culver City, CA 90232	BLUE SKY STUDIOS, INC 10201 W. Pico Blvd. Los Angeles, CA 90035

*Nitsch v. DreamWorks Animation SKG, Inc., et al.*, Case No. 3:14-cv 04062  
Attorneys for Representative Plaintiff Robert A. Nitsch, Jr. served via email

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